

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figures 1, 2A, 2B, 3, 4, 5, 7, 8, 9A and 10. These sheets replace the all the original sheets including Figures 1, 2A, 2B, 3, 4, 5, 7, 8, 9A and 10. The changes to the Figures are described in the previous amendments to the Specification. In addition, the term "Individual" in block 104 is now "Individual or Member" in block 104 in Figures 1, 2A and 2B. Moreover, duplicate reference numerals 106 were deleted from inside block 106 and underneath the corresponding arrow in Figure 5. The reference numeral for Discount Price was changed to 212 in Figures 7 and 8. The reference numeral for the block containing Provide Basic/Premium Listings and Price Lists to Members was changed to 614 in Figure 9A.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Claims 2-9, 12-26 and 28-30 remain in the application. Claims 10 and 11 are hereby canceled without prejudice. Claims 2-26 and 28-30 were rejected in the Office Action mailed October 3, 2007 (hereinafter referred to as "Office Action"). Applicant respectfully requests a one month extension of time to respond to the Office Action. A credit card authorization is being submitted electronically with the filing of this response. Accordingly, applicant respectfully submits that this response is timely filed on Monday, February 4, 2008 because the extended due date was Sunday, February 3, 2008. It is believed that no additional fees are due at this time. In view of the following remarks and amendments, applicant respectfully request a timely Notice of Allowance be issued in this case.

Double Patenting

Claims 2-26 and 28-30 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-23 and 26-28 of U.S. Patent Application No. 10/620,904. Claims 2-7, 10-18, 21-26 and 28-30 were rejected ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-7, 8-19 and 20-22 of U.S. Patent Application No. 10/620,903. Applicant respectfully submits that appropriate action (amendment, cancellation or the filing of a terminal disclaimer) will be taken if the double patenting rejections remain after the allowance of any applicable claims.

Drawing Objections

The drawings were objected to for including reference character(s) not mentioned in the description and multiple reference characters used to designate the same element. Applicant respectfully submits that the foregoing amendments to the specification and drawings are fully responsive and overcome the objections.

The Office Action stated "reference characters "708" (fig. 7) and "808" (fig. 8) have both been used to designate "pharmaceutical listing & discount price list" (page 4, lines 5-6). Applicant respectfully submits that reference numeral 708 refers to "Pharmacy Listing & Discount Price List" and reference numeral 808 refers to "Pharmaceutical Listing & Discount Price List." Although these are very similar, they are sufficiently different (Pharmacy vs Pharmaceutical) to warrant difference reference numerals. Reconsideration and removal of the objections are respectfully requested.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 2-10, 24 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Care Entrée (<http://web.archive.org/web/20011130030647/http://carentree.com>, 2001) in view of Lipton, et al. ("Pharmacy benefit management companies: Dimensions of performance",

Annual Review of Public Health, Palo Alto 1999, Vol. 21, page 31). In addition, claims 11-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Care Entrée in view of Lipton and further in view of U.S. Patent No. 5,819,092 to Ferguson, et al. Claims 25-26 and 29-30 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Care Entrée in view of U.S. Patent No. 5,819,092 to Ferguson, et al. Applicant respectfully submits that 2-9, 12-26 and 28-30 are not obvious over the cited references and are, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below.

Claims 24-26 and 28-30

Applicant respectfully submits that claims 24-26 and 28-30 are allowable under 35 U.S.C. § 103(a) because the cited references do not disclose, teach or suggest:

a health care plan wherein (a) members of the health care plan participate via incentives within a member multi-level marketing network (claims 24-26), or (b) medical service/good providers participate via incentives within a provider multi-level marketing network (claims 28-30);

obtaining information from one or more medical service/good providers that have joined the health care plan and incorporating all or part of the obtained information in a medical service/good provider listing comprising basic listings and premium listings for the medical service/good providers; and

providing a discount price list and the medical service/good provider listing to the members that regulates the cost of services/goods provided to the members by the medical service/good providers such that the members pay the medical service/good providers in-full directly for any services/goods rendered to the members based on the discount price list.

The Office Action stated that “the Care Entrée program teaches . . . members . . . participate via incentives within a member multi-level marketing network” (page 5, lines 5-7). Applicant respectfully disagrees. The portion of Care Entrée cited for this proposition merely talks about PPO networks and a membership discount plan:

There used to be a simpler time when doctors and patients had a private relationship. The doctors made house calls, and the patients made payment arrangements. With the advent of the Baby Boomers, this system was stretched to its limits, and insurance for healthcare was born. With the ever-increasing healthcare cost, the insurance companies saw a need to maximize profits; thereof the PPO networks were created.

These networks referred patients to the doctors, while the doctors furnished drastic savings of up to 80% on their services to the networks.

By contracting these very same networks, Care Entrée passes the same savings on to our members, ensuring a the lowest possible price on all your healthcare needs.

(page 2, paragraphs 8-9). Applicant respectfully submits that there is no disclosure, teaching or suggestion of a multi-level marketing network where health care recipients or health care providers participate via incentives in these paragraphs or any other portion of Care Entrée. As a result, Care Entrée does not disclose, teach or suggest all the elements recited in claims 24-26 and 28-30. Moreover, the cited references do not cure the deficiencies of Care Entrée. Accordingly, applicant respectfully submits that 24-26 and 28-30 are not obvious over the cited references and are, therefore, allowable under 35 U.S.C. § 103(a).

In addition, the Office Action stated “[t]he Care Entrée program does not teach a method to provide a discount price list regulating the cost of services/goods provided” (page 5, lines 10-11), but that Lipton (paragraph 30) cures this deficiency (page 5, lines 12-15). Applicant respectfully disagrees that Lipton cures this deficiency. Applicant respectfully submits that Lipton merely discusses traditional pharmacy benefit management companies as they existed in 1999 (Abstract; Figure 2). The discount lists in Lipton are not provided to the individuals or members to which the services/goods are provided. Instead, the discounts described in Lipton are provided are between the PBM and the insurance company, pharmacies and/or the pharmaceutical companies (paragraph 7, lines 13-16). As a result, Lipton does not cure the deficiencies of Care Entrée. Accordingly, applicant respectfully submits that 24-26 and 28-30 are not obvious over the cited references and are, therefore, allowable under 35 U.S.C. § 103(a).

Moreover, the Office Action stated “[t]he Care Entrée program and Lipton et al. do not teach a method comprising basic and premium listings” (page 9, lines 6-7), but that Ferguson cures this deficiency (page 9, lines 8-16). Applicant respectfully disagrees that Ferguson cures this deficiency. Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to provide members with a medical service/good provider listing containing basic and premium listings for the medical service/good providers because the insurance, HMO, PBM, and PPO industries teach against any sort of favoritism or competition among medical service/good providers offered directly to individuals within their networks. As a result, the modifications identified in the Office Action (page 9, lines 8-17) based on Ferguson would “change the principle of operation of the prior art invention [Care Entrée and Lipton] being modified.” MPEP § 2143.01 (VI). As a result, “the teachings of the references are not sufficient to render the claims prima facie obvious.” MPEP § 2143.01 (VI). Note that this same reasoning also applies to the use of multi-level marketing networks as previously described. Accordingly, applicant respectfully submits that 24-26 and 28-30 are not obvious over the cited references and are, therefore, allowable under 35 U.S.C. § 103(a).

For all these reasons, applicant respectfully submits that the cited references do not disclose, teach or suggest all the elements recited in claims 24-26 and 28-30, as amended. Accordingly, claims 24-26 and 28-30 are not obvious over the cited references and are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, applicant respectfully requests that the rejection of claims 24-26 and 28-30 be withdrawn.

Claims 2-9 and 12-23

Applicant respectfully submits that claims 2-9 and 12-23 depend from claim 24, as amended, which is allowable for the reasons stated above, and further distinguish over the cited references. Claims 2-9 and 12-23 are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, applicant respectfully requests that any rejection of claims 2-9 and 12-23 be withdrawn.

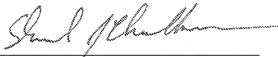
Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 2-9, 12-26 and 28-30, as amended, are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

Date: February 4, 2008

Respectfully submitted,

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